REMARKS

Upon entry of this amendment, claims 1-2 and 4-22 will be pending in the application.

The Office Action incorrectly states that claims 1-12 are pending in the application. Applicants refer to the response electronically filed on May 16, 2008, in which new claims 13-21 were added to earlier presented and pending claims 1-12. In the present amendment, claim 3 is canceled and new claim 22 is added. Accordingly, claims 1-2 and 4-22 are currently pending in the application.

The specification is amended to correct inadvertent typographical errors and to make the disclosed examples consistent with the scope of formula (I). Consequential amendments are made to the specification and to claims 10, 18 and 19. Claim 1 is amended to correct typographical errors, to delete the definition of "R^{1a}" which does not fall within scope of the elected invention, and in the definition of R^{10} to remove redundant terms and add "carboxy". Consequentially claim 3 is canceled. New claim 22 is added to recite an embodiment of R^{10}. Support for this amendment is found, for example, at page 2, line 20; page 3, line 8 and line 28; page 4, lines 7-13 and in the claims as originally filed. No new matter is being added.

Rejection under 35 USC 102

On pages 2-3 of the Office Action, the Examiner states that claims 1-2 are rejected under 35 USC 102(e) as being anticipated by WO2004/041210, equivalent to US2007004710 which has a priority date of 11/5/2002. The Examiner asserts that the structure (I) on page 2 of the reference reads upon the instant claims.

Applicants respectfully traverse. The structure (I) on page 2 of the reference does not in fact read on the instant claims. For example, in the instant claims the group R^{11} (a bicyclic carbocyclic or heterocyclic ring system as defined therein) is linked to the rest of the molecule via a group $-A-B-N(R^{10})-$, in which A is CR^6R^7 or $C(O)$ and B is CR^8R^9 or $C(O)$ (R^6-R^9 being as defined in the claims). This "linking group" is not present in the reference. Rather, in the reference the group R^2 (a bicyclic carbocyclic or heterocyclic ring system as defined therein) is linked to the rest of the molecule via a group $-A-N(H)-B-$, in which A is $(CRR)_n$ and B is $(CRR)_m$, $C=O$ or SO_2. Therefore, the present claims are not anticipated by the reference. Reconsideration and withdrawal of the rejection is respectfully requested.

Rejection for Double Patenting

On pages 3-4, the Office Action states that claims 1-12 of the application conflict with claims 1-12 of copending Application No. 10/533,501. The Examiner requires Applicants to either cancel the conflicting claims from all but one application or maintain a clear line of demarcation between the applications.

Applicants respectfully traverse. Application No. 10/533,501 corresponds to US2007004710 which the Examiner has applied under 35 USC 102(e) as discussed above. The current claims of the reference do not conflict with the present claims for at least the reasons set forth above in regard to the rejection under 35 USC 102(e). Reconsideration and withdrawal of the rejection is respectfully requested.
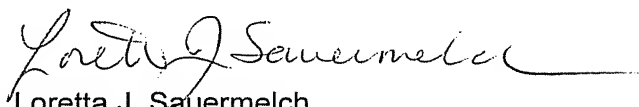
Information Disclosure Statement

Applicants point out that only a part of the Information Disclosure Statement mailed on March 21, 2007 has been acknowledged by the Examiner. In particular, a form 1449 comprised of 5 pages filed on that date has not been acknowledged. Applicants respectfully request the Examiner acknowledge consideration of these references in the next Office Action.

Conclusion

All of the issues raised by the Examiner have been addressed and overcome. Should any other issues remain to be resolved in the application, the Examiner is invited to contact the undersigned Attorney for Applicants at the number provided.

Respectfully submitted,

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